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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,345	02/07/2002	Osamu Isaji	111917	4613

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

GREGORY, BERNARR E

ART UNIT

PAPER NUMBER

3662

DATE MAILED: 09/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary	Applicati n No.	Applicant(s)	
	10/067,345	ISAJI, OSAMU	
	Examiner	Art Unit	
	Bernarr E. Gregory	3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 and 42-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 and 29-40 is/are allowed.
- 6) ☒ Claim(s) 1-14,20-24 and 42-48 is/are rejected.
- 7) ☒ Claim(s) 15 and 25-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7,11</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Fray ('010) or Crowley-Milling ('570) or Kolbi et al ('686).

Claims 1-8 are rejected over art that was supplied by Applicant in an IDS from a search made in EPO. The reasons for the rejection are those set forth in the remarks with the IDS documents filed by Applicants. This rejection is made to permit Applicant to clarify for the record how the United States claims define over this art in that the European Search Reports raise questions as to patentability of these claims.

3. Claims 1-11 and 42-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Stagles ('071).

Claims 1-11 and 42-48 are rejected over art that was supplied by Applicant in an IDS from a search made in EPO. The reasons for the rejection are those set forth in the remarks with the IDS documents filed by Applicants. This rejection is made to permit Applicant to clarify for the record how the United States claims

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define over this art in that the European Search Reports raise questions as to patentability of these claims.

4. Claims 1-11 and 42-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Grace et al ('995).

Claims 1-11 and 42-48 are rejected over art that was supplied by Applicant in an IDS from a search made in EPO. The reasons for the rejection are those set forth in the remarks with the IDS documents filed by Applicants. This rejection is made to permit Applicant to clarify for the record how the United States claims define over this art in that the European Search Reports raise questions as to patentability of these claims.

5. Claims 1-11 and 42-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Fredericks et al ('734).

Claims 1-11 and 42-48 are rejected over art that was supplied by Applicant in an IDS from a search made in EPO. The reasons for the rejection are those set forth in the remarks with the IDS documents filed by Applicants. This rejection is made to permit Applicant to clarify for the record how the United States claims define over this art in that the European Search Reports raise questions as to patentability of these claims.

6. Claims 12, 14, and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Artis ('526).

Claims 12, 14, and 20-24 are rejected over art that was supplied by Applicant in an IDS from a search made in EPO. The reasons for the rejection are those set

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forth in the remarks with the IDS documents filed by Applicants. This rejection is made to permit Applicant to clarify for the record how the United States claims define over this art in that the European Search Reports raise questions as to patentability of these claims.

7. Claims 12 and 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Grace ('952).

Claims 12 and 20-24 are rejected over art that was supplied by Applicant in an IDS from a search made in EPO. The reasons for the rejection are those set forth in the remarks with the IDS documents filed by Applicants. This rejection is made to permit Applicant to clarify for the record how the United States claims define over this art in that the European Search Reports raise questions as to patentability of these claims. With respect to the steps relating to the angle in independent claims 12 and 20, please note lines 18-21 of the Abstract of Grace ('952).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grace ('952).

Although Grace ('952) does not address the use of plural alignment transmitters, it would have been obvious to one of ordinary skill-in-the-art that plural alignment

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transmitters could be used in Grace ('952) to improve the alignment of the radar mount operated upon.

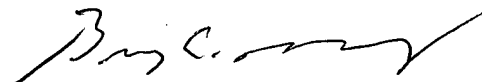
10. Claims 16-19 and 29-40 are allowable over the prior art of record.

11. Claims 15 and 15-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (703) 306-5765. The examiner can normally be reached on weekdays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (703) 306-4171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Bernarr E. Gregory
Primary Examiner
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